

REMARKS

The present application was filed on March 7, 2001 with claims 1-16. Claims 1-16 remain pending. Claims 1, 8, 15 and 16 are the pending independent claims.

In the outstanding Office Action dated July 14, 2004, the Examiner: (i) objected to claim 8; and (ii) rejected claims 1-16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,421,346 (hereinafter “Itoh”).

In this response, Applicants amend claims 1, 6, 8, 13, 15 and 16. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

With regard to the objection, claim 8 has been amended to conform with the Examiner’s suggestion.

With regard to the rejection of claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Itoh, claims 1, 6, 8, 13, 15 and 16 have been amended. Independent claims 1, 8 and 15 have been amended to recite that at least one message is received in the first device from a second device of the communication system. It is determined if the protocol version of the message is the same as a protocol version associated with the second device in a memory of the first device. When the protocol version is not the same, it is determined if the protocol version of the message is a known protocol version; and the protocol version associated with the second device in the memory of the first device is updated when the protocol version is known. When the protocol version is the same, the message is processed at the first device.

Dependent claims 6 and 13 and independent claim 16 recite that in determining if the protocol version of the message is the same, it is determined whether an extracted information identifier element from the message is valid for a protocol version associated with the second device in the memory of the first device. Support for these amendments can be found on pages 7 and 8 of the specification.

Itoh discloses an ATM switch that accommodates a plurality of protocols. In the Office Action the Examiner refers to portions of Itoh regarding UNI identification, message analysis, and a memory of the switch in rejecting claims 1-16. However, with regard to independent claims 1, 8 and 15, Itoh fails to disclose a first device that determines if a protocol version of a message is the

same as a protocol version associated with another device in a memory of the first device. Itoh also fails to disclose a memory in the first device that is able to be updated when a protocol version of a message is known but is not the same as a protocol version associated with a specific device in the memory of the first device.

Further, with regard to claims 6, 13 and 16, Itoh fails to disclose a first device that determines whether an extracted information identifier element from a message is valid for a protocol version associated with a second device in the memory of the first device.

Applicants assert that dependent claims 2-5, 7, 9-12 and 14 are patentable at least by virtue of their dependency on independent claims 1 and 8. Dependent claims 2-5, 7, 9-12 and 14 also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection of claims 1-16 under 35 U.S.C. §102(e) is respectfully requested.

In view of the above, Applicants believe that claims 1-16 are in condition for allowance, and respectfully request withdrawal of the §102(e) rejection.

Respectfully submitted,



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